

Saugus Board of Selectmen  
September 23, 2008

The Saugus Board of Selectmen met on September 23, 2008 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Stephen Castinetti, Stephen Horlick, Michael Kelleher, Peter Rossetti Jr. and the Chairman Donald Wong. The Town Manager Andrew Bisignani was also present.

(Mr. Kelleher arrived at 7:33 PM)

2.) Invited guests: Saugus Garden Club.

Donna Manoogian President of Saugus Garden Club was present and introduced other members present along with Carmine Moschella and Betty DiFrancisco and explained the Garden Club commissioned Mr. Moschella to create a coat rack to donate to the Town.

Mr. Rossetti moved to accept the gift of the coat rack from the Garden Club to the Town. Chair seconds. Vote: 5-0.

3.) Approval of minutes: August 21; September 3; & September 9, 2008.

Mr. Rossetti moved to approve the August 21, 2008 minutes. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to accept the September 3, 2008 minutes. Mr. Rossetti offered corrections. Chair seconds. Vote: 5-0.

Mr. Kelleher moved to approve September 9, 2008 minutes. Chair seconds. Vote: 5-0.

4.) Continued hearings: None for this evening.

Mr. Castinetti moved to table the 7:45PM public hearing and to take correspondence #4 out of order. Chair seconds. Vote: 5-0.

Correspondence

4.) Town Manager re: Kasabuski Arena sub-lease.

The Town Manager explained the negotiations with DCR and sub-lease and presented for the Board's approval. Mr. Kelleher asked how many bids in the 2<sup>nd</sup> round. The Manager said 1 and explained the first round there were 4 bidders and made a selection and that did not materialize and put out to bid again with 1 bidder. Mr. Kelleher said there are accommodations for youth hockey and the high school. The Manager said yes. Mr. Kelleher said the community has been debating the issue and some say to shut it down. The Manager said the easiest thing would have been to close the rink and give it back to DCR and did negotiate with DCR to meet their standards and meet requirements of the users and it was a 2 fold effort to stem the tide of red ink while providing a service to the community and hopefully they have reached home base and hopefully, if the Board signs this evening, they can move forward. Mr. Kelleher said they will most likely see improvements to the rink and better service. The Manager said yes that is required under CIP. Mr. Kelleher said this is a win/win situation. The Manager said there is still an element of risk, but feels the bidder is experienced and will be successful. Mr. Castinetti thanked him for getting the field issues straightened out. The Manager said there will be no changes to Parcher Field without permission from the Town and DCR. Mr. Castinetti said the folks involved are satisfied. Mr. Horlick said the rates are listed as \$175 per hour for the 1<sup>st</sup> year only and rates not in contract, there is no cap and concern. Mr. Rossetti said he was involved in some discussions and DCR concern to be affordable and be open to the public and rates are subject to Town and DCR approval. Mr. Horlick said it should be in the contract and asked about utilities being paid by taxpayers for 3 years. The Manager said the \$175 rate was part of the bid document and water/sewer is only utility

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because the Town pays for other fields. Mr. Horlick said he's worried next year the rate will jump. The Manager said any increase have to be approved by DCR. Mr. Castinetti read section 12.2 to clarify. Mr. Horlick said the residents of the Town must pay insurance also. The Manager explained the Town's coverage for the year is a blanket policy and no additional cost. Mr. Horlick read Article 5. The Manager said that is the only insurance provided. Mr. Horlick asked about the oil tanks. The Manager said they are in good shape and the Town does have a program for removal and will be removed at some point. Mr. Horlick asked about performance bond. The Manager explained 1 time cost. Mr. Horlick asked about 4.1 main lease payment. The Manager said no payment, CIP in lieu of rent. Mr. Horlick asked if the Town can afford to lend out \$750,000 over 19 years. The Manager said they were the only bidder and if not accept they would get nothing and doesn't think it's a bad deal. Mr. Horlick asked if there's any way to get 1<sup>st</sup> additional number up and payment. The Manager said they negotiated in good faith. Mr. Rossetti said in 2<sup>nd</sup> go around on public bid, it has to be viewed and commitment to improvements by sublease amount put into rink, if not, the DCR could require the Town to do or bill the Town for it. Mr. Kelleher expressed concern with the inference and its clear this is a dire situation and once the contract is done we are relieved of debt and yes, the lessee could fail, but the rates are protected by DCR. Mr. Horlick said there are 2 leases and we are stuck with it and we could do better or could be worse but it has to be done and asked about Frost Realty. The Manager said they bid in 1<sup>st</sup> round and was not considered most advantageous bidder and the DCR lease was not available at that time and noted the sub-lessees have signed personally, not under company or LLC. Mr. Kelleher said that speaks to their commitment. The Manager thanked those who supported this including State Delegates, Rep. Falzone & Rep. Reinstein, Sen. McGee and Sen. Galluccio and the Board members and input from various groups in Town and said this was a community effort. Mr. Rossetti said DCR is in charge of the rinks, but Saugus is unique because the Town leases the rink and DCR is looking out for the welfare of the entire residents of Mass., best interest of the public.

Any in Favor? Karla de Steuben, 172 Forest Street, asked about parking and hours of operation. Mr. Horlick said it's in the lease.

John P., 10 L. Drive, in favor.

Scott Billingsley, 32 Saville Street, in favor.

Steven Worthley, 43 Fairchild Ave., in favor.

Jeff Mitchell, 80 Cleveland, in favor.

Mark Bircham, Cleveland Ave., in favor.

Bob Long, 26 Bennett Ave., in favor.

Joe Diorio, Saugus High Principal, in favor.

Any in Opposition? None.

Mr. Kelleher moved the Board vote to sign the two leases as written. Mr. Horlick amended the motion to include: the Board accept and sign 2 leases, between the Town of Saugus and DCR and between the Town of Saugus and Nathaniel Maniff & John Curley. Mr. Horlick speaking on the motion he will support the motion and it could be better, but the rink is open and operational for the kids, citizens and programs. Mr. Kelleher speaking on the motion thanked all for their input. Chair seconds. Vote: 5-0.

Mr. Kelleher moved for a 5 minutes recess to sign the documents. Chair seconds. Vote: 5-0.

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The Board recessed the meeting at 8:33 PM.

The Chair called the meeting back to order at 8:38 PM.

Mr. Castinetti moved to take the 7:45PM public hearing off the table. Chair seconds. Vote: 5-0.

7:45 Massachusetts CVS Pharmacy, LLC d/b/a CVS Pharmacy #2500, 1075 Broadway, for Permit to extend hours of operation by allowing business to be open for operation between 2AM and 6AM.

Bill Bruce and Daniel Cunio, store manager were present. Mr. Castinetti read letter from Fire Chief. Mr. Horlick noted unpaid details.

Any in favor? None.

Any in opposition? Pat Martin, 42 Lincoln Avenue, said they have a problem with disability issues and explained the sidewalk is not wide enough and expressed concern for the wagons left in the lot.

Mr. Kelleher moved to close the hearing. Chair seconds. Vote: 5-0.

Mr. Kelleher moved to approve the request for Permit to be open for operation between 2AM and 6AM with condition the Building Inspector revisit the sidewalk issue and the applicant address the carriage issue. Mr. Horlick added condition back money owed to be paid. Chair seconds. Vote: 5-0.

7:55 John Rogalski d/b/a White Hen Pantry, 32 Hamilton Street, for exception to Section 601.2 of the Town of Saugus By-Laws by allowing newspaper deliveries before 7AM.

John Rogalski, Salem, was present. Mr. Castinetti asked he explain his request. Mr. Rogalski said he is restricted from selling newspapers and wants to be able to. Mr. Kelleher clarified this is not about selling newspapers and said this is a strip mall in a residential area and the initial complaint was trash pick up and said he already addressed other paper deliveries and asked about Globe deliveries. Mr. Rogalski said he will make sure they are shutting off the engine.

Any in favor? None.

Any in opposition? Aldo Cassano, 26 Hamilton Street, said he has nothing against White Hen, but is opposed to trucks and deliveries between 2:30AM and 6:30/7AM with engines on and refrigerators running and truck doors slamming.

The Chair said the Board feels for the residents and newspapers don't have refrigerator or big trucks.

Mr. Horlick moved to close the hearing. Chair seconds. Vote: 5-0.

Mr. Horlick moved to allow deliveries of newspapers before 7AM. Chair seconds. Vote: 5-0.

8:05 New Cingular Wireless PCS, LLC (AT&T), 494 Lincoln Avenue, for Special Permit (S-2) for wireless communications facility with a total of six panel-style antennas mounted on the rooftop of existing building.

George Hall, Anderson & Kreiger, representing AT&T explained the necessity to provide coverage. Mr. Horlick asked time frame. Jonathan McNeil was also present said after they execute the lease, around beginning of 2009. Mr. Horlick asked how they would be mounted. Mr. McNeil said through the building and probably assembled on the roof. Mr. Horlick asked if they needed a lift to use the back parking lot and asked about power outage. Mr. McNeil said they use 8 hour battery back up, no generator.

Any in favor or in opposition? None.

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Mr. Castinetti moved to close the hearing. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to approve request for wireless communications facility with 6 panel-style antennas. Chair seconds. Mr. Horlick added condition if they use lift equipment they are to use the back lot and if they must use the front/street they must notify the police dept. and condition no generator on site.

Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Mr. Kelleher, yes; Mr. Rossetti, yes; Mr. Wong, yes. Vote: 5-0.

8:15 LA Fitness, 1450 Broadway, for Entertainment License for televisions.

Attorney George Gregson, 325 Central Street was present and explained the applicant has met all conditions of S-2 and explained the request. Mr. Horlick asked number of televisions. Atty. Gregson explained various locations at work out stations and suggested 40.

Any in favor or in opposition? None.

Mr. Kelleher moved to close the hearing. Chair seconds. Vote: 5-0.

Mr. Kelleher moved to grant the request for Entertainment License for televisions. Chair seconds. Vote: 5-0.

8:25 Verizon for placement of joint owned pole #207-3AQ & wires, cables & fixtures on southwesterly side of Hemingway Road approximately 35' northerly from existing pole #207-3 as shown in plan #P2008-015 dated 7/21/08.

William McEnaney, Right of Way Agent, Verizon was present and explained request. Mr. Kelleher asked about double poles. Mr. McEnaney said he works with their clerk on it. Mr. Rossetti noted money owed for police details. Mr. McEnaney said he is checking on it. Mr. Horlick asked for updated list. Their clerk said she has one.

Any in favor? Tom Hubisz, 6 Hemingway Road, explained the problem.

Any in opposition? None.

Mr. Castinetti moved to close the hearing. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to grant the request. Chair seconds. Mr. Horlick added condition they pay outstanding police details owed. Chair seconds. Vote: 5-0.

8:35 Robert Penta d/b/a Tumble Inn Dinner, LLC, 488 Lincoln Avenue, for transfer of Common Victualer's License, Entertainment License and Extended Hours of Operation Permit from Aurora Investment Group, LLC d/b/a The Tumble Inn, 488 Lincoln Avenue.

Robert Penta, 11 Wickford Street, was present. Mr. Rossetti asked if he was aware he needed Food Service Permit from the Board of Health and Safe Serve Certificate and Fire Dept. requirements. Mr. Penta said yes and the business will stay the same. Mr. Horlick asked hours of operation. Mr. Penta said 4 AM to 10 PM.

Any in favor? Ryan Carvalho, 26 Oakpoint Road, said he feels Mr. Pents will continue the business and be a good business for Saugus.

Any in opposition? None.

Mr. Rossetti moved to close the hearing. Chair seconds. Vote: 5-0.

Mr. Rossetti moved to grant the transfer of Common Victualer's License, Entertainment License and Extended Hours of Operation Permit. Chair seconds. Vote: 5-0.

The Chair excused himself from the table and handed the Chair to Vice Chairman Castinetti and left the room.

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8:45 Kellyann R. Carvalho d/b/a R.J. Hamilton's, LLC, 36-38 Hamilton Street, for transfer of Beer & Wine Common Victualer's License and Entertainment License from San-Pen Corp. d/b/a Tonino's Cucina Italiana, 36 Hamilton Street.

Ryan & Kellyann Carvalho, 26 Oakpoint Road, and Attorney Marc Chapdelaine, 539 Lincoln Avenue, were present. Mr. Rossetti asked if they were aware they need new Food Service, and Safe Serve Certificate and asked about proposed changes. Mr. Carvalho said yes and said a sketch was submitted and explained no change to number of seating. Mr. Rossetti asked if they had a menu. Ms. Carvalho passed out copy. Mr. Horlick asked if Ms. Carvalho will be manager. Ms. Carvalho said yes. Mr. Horlick asked about TIP certification. Ms. Carvalho said they are have a class scheduled. Mr. Horlick asked if she has the Town's Liquor Rules & Regulations and will sign that she read and understands them. Ms. Carvalho agreed. The Vice Chair read recommendation from the Fire Chief.

Any in opposition? Aldo Casano, 326 Hamilton Street, asked hours of operation. Atty. Chapdelaine said same hours 8:30 AM to 1:30 AM seven days a week.

Any in favor? Marc Chapdelaine, 539 Lincoln Ave.

Ray Lawrence, 83 Auburn Street, in favor and asked time frame. Atty. Chapdelaine said by November 1.

Mr. Horlick asked how many televisions. Atty. Chapdelaine said 5.

Mr. Rossetti moved to close the hearing. Vice Chair seconds. Vote: 4-0.

Mr. Rossetti moved to grant the request for transfer of licenses with condition they reapply for food service permit; comply with comments of Fire Chief; and hours of operation to be 8:30AM to 1:30AM, seven days a week. Vice Chair seconds. Mr. Horlick added: limit of 70 seats, capacity not to exceed 80 persons. Mr. Kelleher wished them the best of luck. Vote: 4-0.

The Chair returned to the table.

Correspondence, continued

1.) Friends of Saugus Library re: request for Special 1 day Wine License.

Mr. Kelleher moved to grant the Special 1 day Wine License. Chair seconds. Vote: 5-0.

2.) Saugus Lions Club re: request for canning on public ways.

Mr. Rossetti moved to approve the request. Chair seconds. Vote: 5-0.

3.) Wheelabrator Saugus re: request for temporary relief on truck route/use of Ballard St.

Mr. Castinetti said he attended the meeting with Mass. Highway regarding the Bly Bridge repairs and spoke with Mr. Jewel and questioned the Town's authority to restrict and feels the Board should consult with the District 4 director and Town Counsel on prohibiting use of a public roadway due to emergency repairs and would like to table the correspondence until they receive opinion. Mr. Kelleher said the Town has a right to require trucks not use Ballard Street.

Peter Manoogian, 50 Ballard Street, was present and asked the Board look into the background on the issue. Mr. Kelleher said they could have a neighborhood meeting on it, and said he agrees the Board can restrict. Mr. Horlick said the Board of Health sent a letter and asked why in the past they didn't ask. Mr. Rossetti said Mr. Jewel referenced signage to direct and some area changes that may need to occur and said the temporary bridge may have a weight limit and construction on Rte. 107 bridges and said the State is planning and support talking to the State as they may offer mitigation.

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John O'Rourke, Plant Manager, Wheelabrator, was present and explained the request for relief while the bridge is closed and said communities such as Lynn and north of the facility would need an alternate route for a dozen or 2 dozen trucks. Mr. Kelleher asked how he would control signage. Mr. O'Rourke said same as they do now. Mr. Kelleher said they need a public meeting on concerns and alternatives. Mr. Horlick asked where they went when bridge was open before. Mr. O'Rourke said he was not sure. Mr. Castinetti asked estimated amount of traffic and when it would occur. Mr. O'Rourke said around 2 dozen, but need to check hours. Mr. Castinetti said he is concerned with the legality and said there's a motion on the floor to table until they talk to District 4 Director and Town Counsel.

Mr. Castinetti withdrew his motion with no objection.

Mr. Castinetti moved to request a legal opinion from Town Counsel. Chair seconds. Vote: 5-0.

Mr. Kelleher asked the Manager to talk with Town Counsel and make sure he is aware of past agreement.

The Chairman thanked all for recycling and reminded everyone to put recycling out by 7AM; Said Saturday, September 27 Saugus High Alumni Dinner; Said October 4 domestic violence awareness walk; and Saturday October 18 Library wine tasting.

Manager's report

- announced recycling reminder to separate paper & cardboard from other recyclables;
- Drop off site at DPW open Saturdays 8AM to 12 noon;
- Household hazardous waste drive Saturday October 18, pre-registration required; and
- Curbside leaf weeks of Nov. 3, Nov. 17, & Dec. 1.

Member's motions

Mr. Castinetti: said at last meeting the Board had Fr. Dan & Fr. George in and said we have another new minister in Town.

Mr. Castinetti moved to invite Martha Leahy in for introduction. Chair seconds. Vote: 5-0.

- thanked the Manager for working hard on the Kasabuski lease and baseball field.
- said last meeting he had requests for Lt. Swezey and asked the Manager to get update.
- said the Board will be scheduling inspections soon.
- Saturday, September 27 the Saugus High Alumni Dinner.

Mr. Rossetti: announced events over the couple of weeks: Concerts at Breakheart, open house at SCTV, police officer appointments, Halloween Ghost Story contest coming up, and Haunted Happenings at Breakheart coming up.

Mr. Kelleher: Reminder Saturday is renaming to Chris Ciampa, Jr. Youth & Recreation Center.

- Asked all to keep Kathy Tozza in their prayers.
- asked Manager for update on Eastern Tool Building. The Manager said he hasn't heard anything.
- Said there have been a lot of requests lately and encouraged the Manager to be fiscally prudent and even though we are understaffed in police & fire & education that that needs to be addressed before funding other programs and said our parks are in tough shape.

Mr. Horlick: Saugus Alumni Dinner dance asked Board to respond for count.

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- asked if there's a date for the Special Town Meeting. The Manager said his Articles are not fully completed and should have announcement next Board Meeting.
- Special Olympics thanked all attended.
- Thanked Manager for looking into Sewer Rate Relief.
- Thanked the Manager for update on Hitching Hill Road and getting the fence up.
- said their clerk requested dates for Tabu hearing.

Mr. Horlick moved to reschedule show cause on September 21, 22 and/or 23.

Vice Chair seconds. Vote: 4-0 and 1 abstention by Mr. Wong.

- said Ironworks Grill has been closed a while and never notified the Board.

Mr. Horlick moved to send a letter asking intent of license. Chair seconds. Vote: 5-0.

Correspondence, late

School Committee re: request to insert 2 Articles into the Special Town Meeting Warrant.

Mr. Horlick moved to insert the Articles. Chair seconds. Vote: 5-0.

Mr. Rossetti commended the DPW for work did at Waybright softball field.

Citizen's forum

Peter Manoogian, 50 Ballard Street, asked about Eastern Tool Building. Mr. Kelleher said he heard someone put option but no other information. Mr. Manoogian asked the Board let the neighbors know as information comes. Mr. Manoogian asked if the water rate article was drafted. The Manager said in draft form. Mr. Manoogian explained ascending rate structure. Mr. Kelleher said in the conversations on the issue he is sure it will be addressed. Mr. Horlick said at the Board's meeting on the issue the Board requested any new multi-family to install individual meters. Mr. Manoogian addressed the financial situation and feels its improving and looks forward to seeing the audit report and said it might be wise to stabilize finances. Mr. Kelleher agreed.

Paul Giansiracusa, 36 Hesper Street, asked for long term solution to Hitching Hill Wall and read MA State Building Code and authority of the Town and asked the Board per the authority of the building code to have fence/barrier up to protect the neighbors. Mr. Horlick said he brought up netting. The Manager said he has been meeting with the neighbors, Town Counsel & engineers and said the issue was discussed and explained and said he is depending on advice of counsel, but will get another opinion if the Board wants. Mr. Horlick said there has to be a way. Mr. Rossetti said it was discussed with neighbors and a berm is being installed. The Manager said by next week. The Chair suggested to give the question to Town Counsel. Mr. Castinetti said he attended the meeting and disagree and said they should get an outside opinion. The Chair said it cost money and can lien the property. Mr. Kelleher said the properties are in bankrupts.

Mr. Kelleher moved the Board vote to request the Manager get opinion from outside counsel. Chair seconds. Vote: 5-0.

Pat Martin, 42 Lincoln Avenue, submitted Article by Commission on Disability and requested it be inserted into the Special Town Meeting Warrant.

Al DiNardo, 199 Essex Street spoke in favor it be inserted.

Mr. Kelleher moved to insert the Article into the Special Town Meeting Warrant. Chair seconds. Vote: 5-0.

Ray Lawrence, 83 Auburn Street, asked the lights at the Fellsway and Main Street be fixed because the timing is off.

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Mr. Kelleher moved the Board request the Manager get in touch with the State and address it as soon as possible. Chair seconds. Vote: 5-0.

Michael Glionna, 5 Ballard Street, said there is an agreement RESCO wont use Ballard Street and asked to prohibit all trucks or put a weight limit but the Town did nothing. Mr. Kelleher said the Town has enforced it. Mr. Glionna disagreed. John O'Rourke, Plant Manager at Wheelabrator said there is a competitor in Lynn, a transfer station, that some of the trucks are going to.

Mr. Rossetti moved to adjourn. Chair seconds. Vote: 5-0.  
Meeting adjourned at 10:56 PM.  
Respectfully submitted,  
Wendy Reed, Clerk